

REMARKS

The present amendment is submitted in response to the Office Action dated May 3, 2004, which set a three-month period for response, making this amendment due by August 3, 2004.

Claims 17-27 are pending in this application.

In the Office Action, the indicated allowability of claims 1-16 was withdrawn in view of newly discovered references. Claims 1-16 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. patent No. 5,743,233 to Unland et al.

In view of the new rejection of claims 1-16, claims 1-16 have been canceled in the present amendment and new claims 17-27 have been added.

New claim 17 is directed to a method for detecting knocks in an internal combustion engine with multiple cylinders, whereby a knock is detected in a selected cylinder when the knock signal of this cylinder exceeds a reference level. The reference level changes as a function of noise of the internal combustion engine. An increase of this reference level is limited in consideration of noise of another cylinder or the noise of all cylinders.

The newly cited reference to Unland et al provides no disclosure or suggestion that the increase of the reference level takes into consideration the noise of another cylinder or all of the cylinders. In column 2, line 34 of Unland, it is stated that the reference level RP is divided by a cylinder-specific amplification factor. This means that the entire calculation, and therewith, the calculation of the

reference level, takes place individually for each cylinder. From studying this reference, the practitioner of ordinary skill in the art would obtain no teaching as to the subject matter of new claim 17.

Because the Unland reference fails to disclose at least the above features of new claim 17, the rejection under Section 102 cannot be maintained.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984).

New claim 18 recites additionally that a gradient is taken into consideration. New claims 19-27 correspond essentially to the subject matter of original claims 3-10.

For the reasons set forth above, the Applicants respectfully submit that new claims 17-27 are patentable over the cited art. The Applicants further request withdrawal of the rejection under 35 U.S.C. 102 and reconsideration of the claims as herein presented.

In light of the foregoing amendments and arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,


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